

1 We object to that, that would be conclusion on the
2 part of the witness.

3 BY THE COURT:

4 I sustain the objection.

5 BY MR. WEIR:

6 Q Is there any reason that Mr. Cochran would have
7 know he was in the room?

8 BY MR. HAUBERG:

9 We object to that.

10 BY THE COURT:

11 Sustained.

12 BY MR. WEIR:

13 Q Well let's see now Mr. Jones the County Attorney
14 was there and you the pathologist was there
15 and who else, you, Mr. Cochran and Mr. Jones,
16 who else was there?

17 A I don't have a complete list of everyone who was
18 there, I do happen to know a few other people
19 who were there in and out, some people did not
20 stay for the entire period, others did.

21 Q Did Mr. Cochran talk with the county attorney,
22 Mr. Jones, there in that room?

23 A I do not recall.

24 Q Now, during the course of investigation I meant
25 the autopsy, did it become necessary that the

- 1 Circuit Judge of the Eighth District of
2 Mississippi be contacted? About this matter?
- 3 A. No sir. Not during the determination.
- 4 Q. Was it before the autopsy began?
- 5 A. No sir.
- 6 Q. Well, was the Coroner of Neshoba County, Mississippi
7 contracted?
- 8 A. I do not know.
- 9 Q. Did you have orders from any official agency to
10 make this autopsy?
- 11 A. Yes sir.
- 12 Q. And what was your authority?
- 13 A. I had verbal permission and an order from the
14 Judge of the First Judicial District, Hinds
15 County.
- 16 Q. And who obtained that authority for you?
- 17 A. Mr. William Waller, the District Attorney for
18 the District.
- 19 Q. Did any official or person claiming to represent
20 the NAACP undertake to stop the autopsy?
- 21 A. No sir.
- 22 Q. And did any official or attorney from that group
23 ask you to wait until they could get a doctor
24 down here to represent them in the autopsy?
- 25 A. I had a request that a specific doctor be allowed

1 to come in and observe the examination.

2 Q. Who made that request?

3 A. The physician himself.

4 Q. Who was it?

5 A. I do not recall his name right now.

6 Q. Where is he from?

7 A. I do not know.

8 Q. Is he from Mississippi or from some other state?

9 A. I think he is from some other state.

10 Q. Was it a long distance request or did he come in
11 person?

12 A. He called me on the telephone. Incidentally, I
13 do remember his last name now. It was a Dr.
14 Goodman.

15 Q. Dr. Goodman, from what town?

16 A. I do not know.

17 Q. Was Mr. Cochran made aware of this fact?

18 A. Yes sir.

19 Q. By whom?

20 A. Dr. David Wilson, the Administrator of the
21 University Hospital.

22 Q. He advised Mr. Cochran that some other physician,
23 did in fact want to come in?

24 A. That is correct.

25 Q. What did Mr. Cochran do then?

- 1 A. He had a conference with Mr. Wilson and Mr. Bill
2 Hood, with the Mississippi State Highway Patrol.
- 3 Q. Did he talk with the County Attorney, Mr. Jones?
- 4 A. I do not recall.
- 5 Q. Did he talk with Sheriff Rainey or any of the
6 officials of Neshoba County?
- 7 A. I do not recall.
- 8 Q. Did Mr. Cochran then advise that it would be
9 necessary to obtain a court order before the
10 autopsy could proceed?
- 11 A. No sir.
- 12 Q. Then why did you obtain a court order in the first
13 place.
- 14 A. Because it is an assault if you perform an autopsy
15 without the proper permission.
- 16 Q. Did you request it yourself?
- 17 A. Who requested the authority for you to proceed?
- 18 A. Mr. William Waller.
- 19 Q. Well, who requested him to do it?
- 20 A. That, I do not know.
- 21 Q. Will you, well you've already answered that, so
22 I guess I had not better ask that. May I proceed
- 23 BY THE COURT:
- 24 Yes sir.
- 25 BY MR. WEIR:

1 Q These things that you obtained which you say
2 were bullets, whose custody were they in right
3 after they were removed?

4 A I gave them to Mr. Jay Cochran, a Special Agent
5 with the F. B. I. who was in charge of this
6 investigation.

7 Q The same day?

8 A Yes sir, at the time I removed I marked each one
9 of them and handed them to him.

10 Q And after that you have not seen them until when?

11 A Yesterday at 1:10 P. M.

12 Q During all that time they have been out of your
13 custody and sight haven't they?

14 A That is correct sir.

15 Q You haven't even known where they were at?

16 A No sir.

17 Q And there has been some changes that you also
18 have already told this Court and Jury in those
19 bullets since you last saw them?

20 A In four out of the five sir.

21 Q You said something about making markings on those
22 object, what markings are there?

23 A I put my initials in a special manner which is
24 characteristic for me and also marked them with
25 a roman numeral indicating the number of the bulle

at the time I recovered them.

Q. Where did you mark them at?

A. On the base of the bullets.

Q. Now, you had to move the bullets out to examine them to see and look at it since they left you have you?

A. Yes sir.

Q. Did you take them out of those bags?

A. No sir, I put them in those bags. Those are not the original containers that I received them in yesterday.

Q. Now, you told us the first body had brown hair and the second body had brown hair, what color hair did the third body have?

A. Dark brown.

Q. Dark brown?

A. Yes sir.

Q. Was that a colored male or black male there?

A. It was a negro male.

Q. The third body?

A. Yes sir.

Q. Just a moment Your Honor. During the time of the autopsy you didn't let any chemicals be used in the room, noteven a deodorizer is that correct

A. I don't recall that sir.

1 Q Well would you say positively that you refused to
2 do that?

3 A I wouldn't say positively, but I can assure you
4 that there was a distinct odor in that room and
5 someone may have a deodorizer, I don't know.

6 Q Well, would it have been any reason not to use it?

7 A No sir.

8 Q It would have been perfectly all right with you
9 as long as it didn't interfere with the autopsy?

10 A Yes sir.

11 Q Do you deny that you refused to let anyone in there
12 to do that?

13 A No sir, I do not deny that I denied anyone the
14 right to use a deodorizer. I'll say this, is
15 immaterial with me where a deodorizer is used. I
16 was closer to the source of odor and a deodorizer
17 would not have helped me, and I would not have
18 specifically refused anyone permission to use it.

19 Q What I'm asking you though is did you refused
20 anyone that right to use it?

21 A I can not recall that particular answer.

22 Q Then you can't say you did and you can't say you
23 didn't?

24 A No sir.

25 Q Now, do you know Sheriff Lawrence Rainey over here

1 Q Yes sir.

2 Q How long have you known Sheriff Rainey?

3 A I can't give you any specific time but I can tell
4 you that I do know the Sheriff because he and I
5 have worked together on cases autopsy, medical
6 examinations or something like that.

7 Q And you knew him on August 4th and August 5th of
8 1964?

9 A Yes sir.

10 Q And recognized him quickly, didn't you?

11 A Yes sir.

12 Q And you are just as positive that Sheriff Rainey
13 was not in the autopsy room as everything else
14 that you have testified to here today?

15 BY MR. HAUBERG:

16 We object to the form of question, Your Honor.

17 BY THE COURT:

18 Overruled.

19 BY THE WITNESS:

20 A Sir, I think I can make a specific point that
21 Sheriff Rainey was not in the autopsy room when
22 the examination began. I think I can also state
23 with reasonable certainty that he was there
24 during the course and toward the end of the
25 examination.

1 Q He was not there?

2 A He was there?

3 Q Oh, he was there?

4 A Yes sir.

5 Q When did he come in?

6 A I don't know.

7 Q So then, Sheriff Rainey was in the room some of
8 the time?

9 A Yes sir.

10 BY THE COURT:

11 Doctor you said that this operation started about
12 1:30 in the morning, how long did it last?

13 BY THE WITNESS:

14 I think I finished it up around 6:00 o'clock in the
15 morning, sir.

16 BY THE COURT:

17 Was your operation continuous throughout that entire
18 period of time from 1:30 until 6:00 o'clock?

19 BY THE WITNESS:

20 Yes sir.

21 BY MR. WEIR:

22 Q So you couldn't say the bullets were put in the
23 bodies before death or after death or when could
24 you?

25 A I can't say that all I can say is that I found

1 them there.

2 Q. And you couldn't even tell the course that the
3 bullet on the first body went in or how it went
4 through the body?

5 A. I have a point where it went into and I have a
6 point where it left the chest cavity on body number
7 1.

8 Q. But you don't know the course it followed in the
9 body?

10 A. No sir.

11 Q. So you can't say whose bodies they were or what
12 caused their death, can you?

13 A. I'm sorry, I don't understand that question, sir.

14 Q. You can't say whose bodies they were, can you?

15 A. I can say that it was body number 1.

16 Q. I'm talking about the names of the people?

17 A. No sir, I can not say whose name was attached to
18 any specific body.

19 Q. And you can't say what caused the deaths of anyone
20 of them can you?

21 A. I think I've testified to a reasonable medical
22 opinion.

23 Q. I'm talking about just actually saying, can you?

24 A. I have a medical opinioi, sir.

25 Q. Would the Court indulge me just a moment?

1 Q I noticed whenever Mr. Buckley questioned you and
2 I understood you told him you couldn't tell whose
3 bodies they were or what caused their deaths. Is
4 that still your testimony?

5 A Who is Mr. Buckley?

6 Q This gentlemen sitting right here.

7 Q Yes sir, I said that.

8 Q That's all, Your Honor.

9 REDIRECT EXAMINATION

10 BY MR. DOAR:

11 Q Doctor, what is your medical opinion as to the
12 cause of death?

13 A My medical opinion is----

14 BY MR. BUCKLEY:

15 Your Honor, we object to that. As I recall he has
16 not given a medical opinion as to the cause of death.

17 BY THE COURT:

18 Well I think he's stated what his medical opinion is
19 and I think there is some distinction between his
20 medical opinion and his actual knowledge and I'll
21 let him clarify that. O'erruled.
v

22 BY THE WITNESS:

23 A Its my medical opinion that these gunshot wounds
24 resulted in death, due to the fact that the
25 course of the bullets would have had to pass

1 through the heart.

2 Q Doctor why were you not able to examine and find
3 a course through the heart of the bodies number 1
4 body number 2 and body number 3?

5 A Well, again let me clarify it. It is my medical
6 opinion that bodies number 1 and number 2, died
7 as a result of gunshot wounds which passed through
8 the heart. Body number 3 died as a result of a
9 gunshot wound of the head. Now, as to the reason
10 why I can not state with positive certainty that
11 gunshot wounds of the heart existed is the fact
12 that advanced decomposition of the heart and
13 shrinkage and distortion and in view of these
14 factors makes it impossible for me to state that
15 there was a definite injury to the heart in bodies
16 number 1 and body number 2.

17 Q Were you able to examine it?

18 A I could not examine it with absolute certainty.

19 Q Doctor with respect to the size of the entry
20 wound on body number 1, you testified that that
21 was eight millimeters or nine?

22 BY MR. WEIR:

23 We object Your Honor, he's leading the witness.

24 BY THE COURT:

25 Yes, let him testify.

1 Q Could you again transfer that size to a portion
2 of an inch?

3 BY MR. BACKLEY:

4 Your Honor, if it please the Court, I object to
5 this, this man has testified to this on cross
6 examination and I believe it is improper to let
7 him testify again.

8 BY THE COURT:

9 Well, if he wants to clarify his arithmetic, as it
10 may not be in accordance with everybody else' arithme-
11 tic, so I'll let him clarify it if he wishes to do so.

12 BY THE WITNESS:

13 A Most of my measurements that I make in the course
14 of my business or my profession are made on the
15 metric scale. It is not always possible to
16 directly transpose that metric measurement to
17 the english measurement. Most of my measurements
18 are qualified further by saying approximately, be-
19 cause the measurement of the instrument that I
20 used as measuring are to an approximate and when
21 I say it measures approx~~imate~~ely eight millimeters
22 I do not intend to convey the fact that it
23 measures precisely one third or one fourth of
24 an inch. In calculating eight millimeters trans-
25 posed into the English measurement I again made a

1 statement that 25 millimeters is roughly
2 equivalent to one inch. Eight millimeters con-
3 verted into the equivalent English measurement
4 would be roughly one-third of an inch. Eight
5 millimeters times three equals twenty-four.

6 BY THE COURT:

7 That's a little better airthmetic, Doctor.

8 BY THE WITNESS:

9 Sir?

10 BY THE COURT:

11 That's a little bit better arithmetic.

12 BY THE WITNESS:

13 Thank you.

14 BY MR. DOAR:

15 Thank you.

16 FURTHER REGROSS EXAMINATION

17 BY MR. BUBKLEY:

18 Q. Doctor, you testify now that eight millimeters
19 equals one third rather than three fourths of
20 an inch, don't you?

21 A. Yes sir.

22 Q. You use this method of measurement all through
23 medical school and all through your medical
24 practice, didn't you?

25 A. You are talking about the metric system, yes sir.

1 Q That puts you to a fine hair, doesn't it?

2 A I hope so sir.

3 Q You also testified that twenty-five millimeters
4 are approximately one inch, didn't you?

5 A Yes sir.

6 Q The truth of the matter was that in the year 1963

7 -----(Court Reporter did not get
8 as Counsel was mumbling.)

9 A No sir.

10 Q You are positive of that?

11 A Yes sir.

12 Q Absolutely positive?

13 A Yes sir.

14 BY THE COURT:

15 Counsel, I don't think the Court reporter is getting
16 what you are saying, and I'm quite sure I don't
17 know what you are saying, I guess the witness does
18 because he's answering you.

19 BY MR. BUCKLEY:

20 I'm sorry Your Honor, I'll slow down.

21 A I'm positive of this. I know that one meter
22 is equivalent to thirty-nine inches and a yard
23 is till 36 inches, that has not been changed to
24 thirty-nine inches, sir.

25 Q Sir, I didn't ask you that. I asked you if

1 25 millimeters now is not exactly one
2 inch?

3 A. I do not think so sir.

4 Q. You don't think so?

5 A. No sir.

6 Q. All right, you are thinking again.

7 BY MR. HAUBERG:

8 We object to Counsel's remarks.

9 BY THE COURT:

10 Yes, I'll sustain the objection.

11 BY MR. BUCKLEY:

12 Q. You testified as I recall a while ago that you
13 did not know whether these bodies were dead or
14 alive when these bullets were placed in there?

15 A. That is correct, wait a minute, I didn't quite
16 understand your question, you said when the
17 bullets were placed?

18 Q. When the bullets entered these bodies, you do
19 not know where these bodies were dead or alive
20 do you?

21 A. No sir.

22 BY MR. HAUBERG:

23 Your Honor, we object to his going back into this
24 that is not part of recross examination.

25 BY THE COURT:

1 I don't think it is but I'll let him go along
2 without pursuing that any further.

3 BY MR. BUCKLEY:

4 I didn't understand you, Your Honor.

5 BY THE COURT:

6 I don't think this is rebuttal testimony, I don't
7 know of anything that has occurred on ~~direct~~ or re-
8 direct that excuses your course of examination

9 BY MR. BUCKLEY:

10 May I ask him one more question?

11 BY THE COURT:

12 All right.

13 BY MR. BUCKLEY:

14 Q You testified as I recall that you do not know
15 whether or not these bodies were dead or alive
16 when these bullets entered, if you like that
17 phraseology better, not dead or alive when they
18 entered, but yet you think that this is what
19 caused the death?

20 A Yes sir.

21 (Whereupon witness excused)

22 EARL ROBERT POE, called as a witness for and on behalf
23 of Plaintiff, was sworn and testified as follows:

24 DIRECT EXAMINATION

25 BY MR. OWEN:

1 Q State your name please?
2 A Earl Robert Poe.
3 BY THE COURT:
4 How do you spell your last name?
5 BY THE WITNESS:
6 P O E.
7 Q Where do you live?
8 A Philadelphia, Mississippi.
9 Q What's your job?
10 A Highway Patrolman.
11 Q In 1964 what was your job?
12 A Highway Patrolman.
13 Q And where was your beat on the patrol?
14 A Philadelphia, Neshoba County.
15 Q Now, on the afternoon of June 21, 1964 were you
16 on duty?
17 A I was.
18 Q Do you recall when you went on duty?
19 A I went in service at 12:56.
20 Q Did you bring any certain highway patrol records
21 with you?
22 A Radio logs and radio book.
23 Q Of the Mississippi Highway Patrol?
24 A Right.
25 Q And do you have the radio log for the day of the

1 21st day of June?

2 A. I do.

3 Q. Would you look at those logs?

4 A. Okay.

5 BY THE COURT:

6 Ask him specifically what you want, he's got a whole
7 book there.

8 BY MR. OWEN:

9 Q. June the 21st, is that the day you are looking at?

10 A. Right.

11 Q. Is that log kept in the official course of business
12 of the Mississippi Highway Patrol?

13 A. It is.

14 Q. I would like to have it marked, the pages of
15 June 21st, of the Mississippi Highway Patrol
16 radion log and have it introduced in evidence.

17 BY THE COURT:

18 Well of course, Counsel doesn't object to it unless
19 you prove a few necessary indispensable about it
20 prerequisite of it so I'll let you start right
21 now. Ask him something about it I don't want to
22 tell you how to try your lawsuit.

22 BY MR. OWEN:

23 Q. That log is kept in the ordinary course of
24 business of the Mississippi Highway Patrol?

25 A. It is.

1 BY MR. ALFORD:

2 We object to his leading.

3 BY THE COURT :

4 Sustained.

5 BY MR. ALFORD:

6 And move it be excluded.

7 BY THE COURT:

8 Excluded.

9 BY MR. OWEN:

10 Q That afternoon, do you recall where you went after
11 you went on duty?

12 A I sent south, Highway 19.

13 Q And what did you do then, was there any particular
14 thing that you did while you were on 19?

15 A We wrote a citation at 2:05 to Tucker, which
16 is about five miles south on 19.

17 Q Now, on that afternoon, were you ever on highway
18 16?

19 A We were.

20 Q East or west of Philadelphia?

21 A East.

22 Q Do you recall about where you were on that highway

23 A We were parked out under a shade tree about four
24 miles east.

25 Q East of Philadelphia?

- 1 A. Right.
- 2 Q. Do you remember about what time you parked under
- 3 the shade tree?th
- 4 A. Somewhere in the neighborhood of 3:00 o'clock.
- 5 Q. Now, did you know Cecil Price?
- 6 A. I do.
- 7 Q. Could you point him out in the courtroom?
- 8 Count from the end and tell us which person he
- 9 is?
- 10 A. Number four.
- 11 Q. Fourth person from the left?
- 12 A. Right.
- 13 Q. While you were out there on Highway 16 did you
- 14 see Cecil Price?
- 15 BY MR. BUCKLEY:
- 16 To which we object to his leading his witness.
- 17 BY THE COURT:
- 18 Overruled.
- 19 BY THE WITNESS:
- 20 A. I did.
- 21 Q. Can you describe what you saw?
- 22 A. Well, he passed by going east on 16.
- 23 Q. And what kind of a vehicle was he in?
- 24 A. In a blue '56 chevrolet.
- 25 Q. I would like to show you a picture and see if

1 you can identify it?

2 A. That looks like his car.

3 Q. You can recognize that?

4 A. From the tag number on it it looks like the car,
5 yes.

6 Q. Is that a fair and accurate representation of the
7 car that Cecil Price passed you on highway 16
8 that day.

9 A. It is.

10 Q. I would like to have that marked and entered into
11 evidence.

12 BY THE COURT:

13 Show it to Counsel. Just go on with your questions
14 while they are looking at it.

15 BY MR. OWEN:

16 Q. Did you see Cecil Price again that afternoon?

17 A. I did.

18 Q. Can you tell the Court and the Jury under the
19 circumstances under which you next saw him?

20 A. Well, some few minutes after then he called and
21 said he had a good one or chasing a good one.

22 Q. How did he call you?

23 A. What did you mean?

24 Q. How did he communicate with you?

25 A. By radio.

- 1 Q Did he indicate to you who it was?
- 2 A He said something about George Raymond.
- 3 Q Over the radio?
- 4 A Right.
- 5 Q And do you know who George Raymond is?
- 6 A I didn't at that time, but I've found out since.
- 7 Q Now, did you have any knowledge, uh, do you have
- 8 any knowledge that Mr. Price knows who George Ray-
- 9 mond is?
- 10 A Well, in talking after that he did.
- 11 Q He did?
- 12 A Yes sir.
- 13 Q And who did he indicate to you who George Raymond
- 14 was?
- 15 A He was a Civil Rights Worker and had been in
- 16 that area and over around the Canton area.
- 17 Q How long was it after he passed you going east
- 18 before you got this call?
- 19 A About ten or fifteen minutes.
- 20 Q Did you see him after he made that call?
- 21 A I did.
- 22 Q Which way was he going?
- 23 A Travelling west on 16.
- 24 Q And where were you at that time?
- 25 A Still under the shade tree.

1 Q Did you see him again either emmediately prior
2 or immediately after he passed you?

3 A There was traffic on the highway.

4 Q Did you see any vehicle in front of Price.

5 A I did.

6 Q What kind of vehicle was that?

7 A Station Wagon.

8 Q Do you remember the color?

9 A I would say blue.

10 Q Now when Price passed you did he see you?

11 A Well, I'm sure he did.

12 Q Did he make any indication that he saw you?

13 A Well, as far as talking to us he didn't.

14 Q Uh, did he make any kind of gestures or anything
15 like that?

16 A Well, he might have nodded his head, or look
17 around at us.

18 Q Now, uh, how far in front of Price's car was
19 this station wagon?

20 A That would be hard to say.

21 Q Could he see it?

22 A Well, he probably could at times, of course there
23 are hills in there.

24 BY MR. HENDRICKS:

25 We object to that.

1 BY THE COURT:

2 Yes, I'll sustain the objection.

3 BY MR. OWEN:

4 Q Now were any of these vehicles traveling at such
5 a rate of speed that you would take off and go
6 after them?

7 A Well---

8 BY MR. ALFORD:

9 Just a minute Mr. Poe, we object.

10 BY THE COURT:

11 Yes, I'll let you rephrase that question.

12 BY MR. OWEN:

13 Q Do you know how fast any of these vehicles were
14 traveling, the Station Wagon and Price?

15 A Well I can't say the speed, but I do say the
16 Station Wagon seemed to let off when it topped the
17 hill where we were in sight, he could see us.

18 Q Is that a usual thing for people to do, what kind
19 of car were you in?

20 A White Pontiac.

21 Q Highway Patrol car. Is that a common occurrence
22 when people sees a patrol car?

23 BY MR. BUCKLEY:

24 If it please the Court, we object asit is calling
25 for a conclusion and is not relevant to this case.

1 BY THE COURT:

2 Yes, I sustain the objection.

3 BY MR. OWEN:

4 Q About, uh, did you make any effort to stop that
5 station wagon?

6 A I did not.

7 Q And why didn't you?

8 A Well, I didn't have any reason to. It let off
9 its speed when it came over the hill and was
10 in eyeview of us.

11 Q Did you have any further communications with
12 Cecil Price?

13 A We did.

14 Q When did that occur?

15 A Oh some four to five minutes after the station
16 wagon and he passed us.

17 Q Would you tell us what those communications were?

18 A He wanted us to come up and assist him with them.
19 He said he had a speeder stopped.

20 Q And did you go?

21 A I did.

22 Q And who was with you?

23 A Patrolman Wiggs.

24 Q And where did you go?

25 A We went to the intersection of Beacon and Main

1 Streets.

2 Q What city?

3 A Philadelphia.

4 Q What did you see when you got to the intersection
5 of Beacon and Main Streets?

6 Q Well the station wagon was stopped, Price was
7 stopped behind it and there were three people
8 changing a tire on this station wagon.

9 Q Was this the same station wagon you had seen on
10 16?

11 A It looked like the same one.

12 Q And were these people in that station wagon white
13 people or negroes?

14 A One negro and two whites.

15 Q I would like to hand you this and ask if you
16 recognize that picture?

17 A I do.

18 Q Tell us what that picture is?

19 A Its the intersection of Beacon Street and Main
20 Street or highway 16 and Main Street.

21 Q Now, is that a fair and accurate representation of
22 this intersection of those streets?

23 A It is.

24 Q I would like to have that marked and introduced
25 into evidence.

1 BY THE COURT:

2 It may be entered and be marked.

3 (Whereupon exhibit entered into evidence and marked
4 P-59)

5 BY MR. OWEN:

6 Q. When you arrived what was happening?

7 A. They were changing the wheel on the station wagon,
8 they had a flat.

9 Q. Who was?

10 A. The negro and the two whites.

11 Q. Did you have any conversation with Price or did
12 he have any conversation with you?

13 BY MR. WATKINS:

14 Your Honor, we object on behalf of the clients that
15 I represent for the reason that the government has
16 made no showing so far concerning any conspiracy
17 extra judicial statements of one of these defendants
18 as against my defendants, not now is admissible.

19 BY THE WOUT:

20 I think that's the rule and I'll sustain the objection
21 as against your client?

22 BY MR. BUCKLEY:

23 Your Honor if it please the Court, I understood this
24 applied to all the defendants?

25 BY THE COURT:

That's right.

BY MR. OWEN:

Q Will you answer?

A What was the question?

Q What conversation did you have with Price while you were there?

A He said he had arrested the negro for speeding, he was the driver, and the other two for investigation, and he asked us if we would help him take them to jail.

Q Now, did he determine or did he indicate to you he had determined who the car belonged to at that time?

A There wasn't anything said about the car.

Q Did he indicate to you what the names of these three individuals were?

BY MR. HENDRICKS:

He's leading, Your Honor, he's just trying to put the words in his mouth.

BY THE COURT:

I'll overrule your objection.

BY MR. OWEN:

Q Did he indicate what the names of these people were?

A He did not.

Q

- 1 Q Then what did you do?
- 2 A They got their tire changed, I carried the two
- 3 whites in my patrol car to jail.
- 4 Q And what happened to the negro?
- 5 A Patrolman Wiggs carried him in the station wagon.
- 6 Q And what happened to Price?
- 7 A We drove up to the jail about the same time.
- 8 Q And who took them to jail?
- 9 A Price.
- 10 Q And then what did you do?
- 11 A We left and went around to the police station.
- 12 Q Can you give us your best estimate as to the time
- 13 they were placed in jail?
- 14 A I would say between 3:30 and 4:00 o'clock.
- 15 Q And you went back to the police station?
- 16 A Right.
- 17 Q What did you do there?
- 18 A Nothing.
- 19 Q Was Price there?
- 20 A He was.
- 21 Q Did you obtain any information as to the identity
- 22 of these three people?
- 23 A I got their names.
- 24 Q From whom?
- 25 A From Price.

1 Q Where did he get their names?

2 A From their driver's license.

3 Q What were their names?

4 A Andrew Goodman, Michael Schwerner and James Chaney

5 Q And what did you do then?

6 A I left the police station and went on the east
7 side of the courthouse.

8 Q In Philadelphia?

9 A Right.

10 BY MR. WEIR:

11 If your Honor please, I object to his identifying these
12 people just by driver's license.

13 BY THE COURT:

14 That wasn't his source of identification, I'll
15 overrule your objection.

16 BY MR. OWEN:

17 Q Now, do you know where Price was when you left
18 the police station?

19 A He was there.

20 Q Did you see him again that afternoon?

21 A I did.

22 Q Where?

23 A East side of the courthouse.

24 Q Did you have any conversation with him?

25 A I did.

1 Q Where?

2 A On the east side of the courthouse.

3 Q And what was that conversation?

4 A He wanted registration on this tag.

5 Q Tag of what?

6 A On this station wagon.

7 Q Did he give you the tag number?

8 A He did.

9 Q Do you recall what it was?

10 A I don't remember the tag number but its in this
11 radio log.

12 Q Would you refer to that radio log?

13 BY MR. ALFORD:

14 May it please the Court he hasn't introduced that
15 radio log yet.

16 BY THE COURT:

17 I think you can refer to official records under
18 the shopbook rule and can refresh his recollection
19 and testify if he can do so.

20 BY MR. OWEN:

21 Q What was that license number?

22 A H-25503.

23 Q Now what did Price ask you to do with that license
24 number?

25

1 A. Get a registration on it?

2 Q. Well, did you get a registration on it?

3 A. We did.

4 Q. And what time did you do that?

5 A. The time shows here that it was requested at
6 16:34,

7 Q. Which is what?

8 A. That would be 16 minutes until five, and the
9 registration came back at 16:37.

10 BY THE COURT:

11 Do you know that without having to read it off that
12 record?

13 BY THE WITNESS:

14 I did not.

15 BY THE COURT:

16 Sustain the objection now.

17 BY MR. ALFORD:

18 And we move to exclude it.

19 BY THE COURT:

20 It may be disregarded by the jury.

21 BY MR. OWEN:

22 Q. Were you present when the request for this
23 registration was made?

24 A. I was in the patrol car.

25 Q. You were present when it was made?

1 A. I was.

2 Q. Do you know what time it was requested?

3 A. It was between four and five o'clock.

4 Q. Now do you recall if you got the information back
5 on this registration of this car?

6 A. We did.

7 Q. And was that communicated to Price?

8 A. He received tracking.

9 Q. How do you know he did?

10 A. Because someone said he did.

11 BY MR. HENDRICKS:

12 Object to that.

13 BY THE COURT:

14 Sustain the objection.

15 BY MR. OWEN:

16 Q. Did you hear anyone acknowledge receipt of
17 this tracking?

18 BY MR. BUCKLEY:

19 To which I object, Your Honor.

20 BY THE COURT:

21 Sustain the objection.

22 BY MR. OWEN:

23 Your Honor, I haven't asked him what he heard,
24 but I would like to ask if he heard anyone acknowledge
25 receipt of this traffic.

1 BY THE COURT:

2 If anybody?

3 BY MR. OWEN:

4 I will ask him who it was.

5 BY THE COURT:

6 Well you can ask him specifically, but I think you
7 would have to identify the person he was talking to
8 and we would see whether or not it's competent.

9 BY MR. OWEN:

10 Q Do you know who received this traffic?

11 A I don't know, it either came to the police station
12 or in his car, I don't know.

13 Q Do you know the person receiving it?

14 A Someone said Price was receiving traffic----

15 BY MR. BUCKLEY:

16 To which we object, Your Honor.

17 BY THE COURT:

18 You can't tell what someone told, just tell what
19 you know.

20 BY THE WITNESS:

21 Yes sir.

22 BY MR. OWEN:

23 Q What was the registration on this car?

24 A Congress of Racial Equality.

25 Q Where was Price when he made the request for

1 the registration?

2 A. He came up to our car where we were talking to
3 Inspector King.

4 Q. And was he there when the information came back?

5 A. He was not.

6 Q. He had left the area.

7 A. Yes.

8 Q. Where had he come from, do you recall?

9 A. Around the courthouse, I can't say where he
10 was coming out of the courthouse or not.

11 A. Now, do you recall what you did, I'll withdraw
12 that. When Price saw you at the car on the east
13 side of the courthouse, did he indicate to you
14 anything about why these boys were arrested?

15 A. He was talking about the church burning out there.

16 Q. What did he say?

17 A. He was going to hold them for investigation.

18 BY MR. BUCKLEY:

19 Your Honor if it please the Court, we object to
20 that for the same objection that was made a while
21 ago as to the other defendants.

22 BY THE COURT:

23 That's direct, Members of the Jury, until the
24 government proves some conspiracy here, and it
25 hasn't proven any conspiracy here at this time you

1 hold only the statement made by Mr. Price against
2 Mr. Price and none of these other defendants,
3 unless and until the government has proven
4 the conspiracy and that will be the order.

5 BY MR. OWEN:

6 Q Now did he tell you how long he might hold them?

7 A He did not.

8 Q Now, did you see Price again that day?

9 A I don't remember.

10 Q What did you do the rest of that day?

11 A Just normal patrolling in Neshoba County.

12 Q What are the radio call numbers of the Sheriff's
13 cars there in Neshoba County?

14 A 648.

15 Q Whose car is that?

16 A The Sheriff's car.

17 Q What kind of car is that, do you recall?

18 A Its an Oldsmobile.

19 Q Can you describe it?

20 A I would just say grey oldsmobile.

21 Q Did it have anything on it?

22 A It did, it had signs on it.

23 Q Did it have anything else

24 A They had the light on top.

25 Q Now, do you know Sheriff Rainey?

1 A. I do.

2 Q. Can you point him out here in the courtroom?

3 A. Third one from the left.

4 Q. You are indicating the third man from the left.
5 What was Price's number?

6 A. Fifty.

7 Q. Did you hear any radio traffic while you were
8 patrolling that night or that day? From 648?

9 A. I did.

10 Q. Do you recall about when that was?

11 A. I can.

12 Q. Had you gone to dinner or was it before dinner?

13 A. I can't say where it was before or after.

14 Q. What was that traffic?

15 BY MR. BUCKLEY:

16 Your Honor if it please the Court we object until
17 it is shown first who it was-----

18 BY THE COURT:

19 Counsel, I can't hear you very distinctly. I wish
20 when you make your objections you would come to some
21 microphone, because I don't know where the jury
22 can understand you any better than I can or not.
23 Now make your objection again.

24 BY MR. BUCKLEY:

25 Your Honor, if it please the Court, I interpose an

1 objection with regard to the radio traffic which
2 has not been connected in this case nor shown here
3 who made the traffic, he hasn't been into the
4 detail as to what the radio traffic was.

5 BY THE COURT:

6 Well I'll overrule the objection, go along.

7 BY MR. OWEN:

8 Q. What was that radio traffic?

9 A. It was something about disturbance out on 488,
10 out west of town.

11 Q. Who was calling whom?

12 A. I don't know where the police department was
13 calling or if it was traffic between them or
14 between Price.

15 Q. Now, what time do you ordinarily get off duty,
16 if you get off at the time you are supposed to?

17 A. Back that time we were getting off at 10:00 o'clock
18 if something didn't come up.

19 Q. Now, did you get off at 10:00 o'clock that day?

20 A. I did not.

21 Q. Did you do any patrolling after 10:00 o'clock?

22 A. After 10:00 o'clock?

23 Q. Yes.

24 A. We did.

25 Q. What did you do after 10:00 o'clock?

1 A We went south on 19.

2 Q How far south did you go?

3 A We went to Pilgrim's store about a mile out of
4 Philadelphia.

5 Q Do you recognize that picture?

6 A It looks like Pilgrim's store.

7 Q Is that a, which way is the road running in that
8 picture?

9 A North and South.

10 BY MR. ALFORD:

11 Your Honor, please, may we examine the picture before
12 he goes into detail about it, and we object to his
13 asking any questions about it until its introduced.

14 BY THE COURT:

15 Go along and authenticate them Counsel before you start
16 talking about them.

17 BY MR. OWEN:

18 Q Is that a fair and accurate representation of
19 the road between Pilgrim's Store and Philadelphus?

20 A It looks to be.

21 Q We would like to mark it and introduce it into
22 evidence.

23 BY THE COURT:

24 Do you object to it?

25 BY MR. ALFORD:

1 I would like to see it first and see what it is.
2 We would object to this as being a fair and accurate
3 representation of the road between Pilgrims Store
4 and Philadelphia because part of it isn't even here.
5 Until we know who made it we object to it.

6 BY THE COURT:

7 Did you make that picture?

8 BY THE WITNESS:

9 No sir.

10 BY THE COURT:

11 Who made it?

12 BY THE WITNESS:

13 I don't know.

14 BY THE COURT:

15 When is the first time that you've seen it?

16 BY THE WITNESS:

17 I saw one like it I don't know where this is the first
18 time I've seen that one or not.

19 BY THE COURT:

20 At what time would you say that picture accurately
21 portrays the subject matter of the picture, now or
22 at sometimes in the past?

23 BY THE WITNESS:

24 Well, it just looks like the location.

25 BY THE COURT:

1 Does that look like the area of the subject matter
2 of that picture?

3 BY THE WITNESS:

4 Well to me it looks like it, I'm familiar with
5 the area.

6 BY THE COURT:

7 What is the area, what would you call the area?

8 BY THE WITNESS:

9 Its about a mile south of Philadelphia on Highway
10 19 Pilgrim's Store and Service Station and this
11 curve in the road gives a warning sign.

12 BY THE COURT:

13 You recognize that?

14 BY THE WITNESS:

15 Yes sir.

16 BY THE COURT:

17 How far is that from Philadelphia?

18 BY THE WITNESS:

19 It's about a mile south.

20 BY THE COURT:

21 I'll overrule your objection and let it be
22 entered and be marked.

23 (Whereupon exhibit entered into evidence and marked)

24 BY MR. OWEN:

25 Q Now, you went south to Pilgrim's store, is that

1 correct?

2 A. We did.

3 Q. Now, what did you do?

4 A. Turned around.

5 Q. Now, while you were there did you see any of
6 these defendants in the courtroom?

7 A. I see one that looks like one.

8 BY MR. ALFORD:

9 Your Honor please, we object to what he said, one
10 that looks like him.

11 BY THE COURT:

12 Yes I would think that you would have to make more
13 specific identification than that, I'll sustain the
14 objection.

15 BY MR. OWEN:

16 Q. Describe where you saw this man.

17 A. Pilgrim's Store.

18 Q. Now, was he riding or walking?

19 A. He was riding.

20 Q. What was he riding in?

21 A. A red 1958 Chevrolet car.

22 Q. Was he by himself?

23 A. I'd say not.

24 BY MR. ALFORD:

25 We object to what he says.

1 BY THE COURT:

2 Ithll overrule the objection.

3 BY MR. OWEN:

4 Q. What did this man do?

5 A. He----

6 BY MR. BUCKLEY:

7 Your Honor if it please the Court, I object, he
8 has said it looked like one and now he asks him
9 about this man. I think he should ask questions about
10 specific individuals.

11 BY THE COURT:

12 Do you know all of these defendants in this case?

13 BY THE WITNESS:

14 I know part of them.

15 BY THE COURT:

16 Do you know the name of the person you believe to be
17 the same person that you saw on this occasion?

18 BY THE WITNESS:

19 I do.

20 BY THE COURT:

21 Go along and ask him about that. I'm^{not}/going to try
22 this case for any lawyers, so go along.

23 BY MR. OWEN:

24 Q. Now, the man you thought you saw and thought
25 you recognize----

1 BY MR. PIGFORD:

2 We object to what he thought, Your Honor.

3 BY THE COURT:

4 Well its not against the law for anybody to think
5 in the course of the trial of the case but you need
6 to be a little more careful in phrasing your answers
7 and be rather certain when you are testifying under
8 oath that you are testifying to your knowledge and not
9 just what you believe, so with that in mind, let's
10 go along.

11 BY MR. OWEN:

12 Q Do you know the name of any person that you saw at
13 Pilgrim's Store that night?

14 A Do I know their name?

15 Q Right.

16 A Not at that time.

17 Q Now, who was driving the car?

18 BY MR. WEIR:

19 We object unless he knows, Your Honor.

20 BY THE COURT:

21 He understands that, I've told him and he's testifying
22 of his own knowledge and we don't want to hear any
23 thing except of your own knowledge, are you hearing
24 what I'm saying or are you listening to yourself, go
25 along?

1 BY MR. OWEN:

2 Q Now, what did that man do?

3 A He got out of the car, came back to our car.

4 Q And did he speak with you?

5 A He spoke with Wiggs. Patrolman Wiggs.

6 BY MR. BUCKLEY:

7 Your Honor, if it please the Court, I object to
8 the testimony what this individual does until it
9 is shown who this man was in fact.

10 BY THE COURT:

11 Yes, I think we had better establish the identity
12 before you start telling us what he was doing.

13 BY MR. OWEN:

14 Q Did you later learn the name of this man?

15 A I did.

16 Q And did you see him later?

17 A I did.

18 Q And are you sure that's the man that you saw
19 there that night?

20 A I can't say for sure, I said it looked like him.

21 BY MR. ALFORD:

22 Your Honor please, we object to what it looked like
23 him, if he's not sure.

24 BY THE COURT:

25 Well, I'll let him testify about what his best judg-

1 ment is as to the identity of this peson. You
2 don't have to be absolutely sure about anything
3 even in a criminal case. Go along.

4 BY MR. OWEN:

5 Q Would you look around this courtroom and point
6 out that man you are talking about?

7 A The second from the end, Billy Wayne Posey.

8 Q You are referring to the second man from the end,
9 would you point to him?

10 A The second man.

11 Q Now, had you ever seen his car before?

12 A I had.

13 Q Under what circumstances?

14 A The car was a fast car and I've had reports on
15 him before.

16 BY MR. WEIR:

17 We object if it please the Court.

18 BY THE COURT:

19 Overruled.

20 BY MR. OWEN:

21 Q Go ahead. Had you seen the car before?

22 A I had.

23 Q Did you ever chase it?

24 A I had, or one that looked like it.

25 BY MR. BUCKLEY:

1 We object to him saying it looked like it.

2 BY THE COURT:

3 Yes, we are not interested in something else that
4 looked like it.

5 BY MR. BUCKLEY:

6 And we respectfully request the Court to tell the
7 Jury to exclude it.

8 BY THE COURT:

9 Yes, I'll exclude it.

10 BY MR. OWEN:

11 Q. What did this man say you have identified here
12 at Pilgrim's Store that night?

13 A. Where is Price?

14 BY THE COURT:

15 Said what?

16 BY THE WITNESS:

17 Where is Price.

18 BY MR. OWEN:

19 Q. Did you answer him?

20 A. I did not.

21 Q. Who answered him?

22 A. Patrolman Wiggs.

23 BY MR. WATKINS:

24 May it please the Court, may we have a continuing
25 objection as to what one particular person may have

1 said as against these defendants?

2 BY THE COURT:

3 Well I haven't admitted all of that testimony know-
4 ingly, so I'm going to let him answer as to this and
5 I'll overrule your objection.

6 BY MR. OWEN:

7 Q. What did he tell him?

8 A. I don't know.

9 Q. You didn't hear the conversation between Wiggs
10 and this man?

11 A. He said, "I don't know."

12 Q. Oh, he said I don't know. About what time was this

13 A. Between 10:00 and 10:30.

14 Q. Do you recall any radio traffic that you might
15 have had with your Highway Patrol Station at
16 that time?

17 A. Yes sir. They called shortly after that.

18 BY MR. BUCKLEY:

19 Your Honor if it please the Court, I object to any
20 communication between this witness and the Highway
21 Patrol Station, it would be hearsay.

22 BY THE COURT:

23 Well, it might be hearsay under some circumstances
24 and the subject matter of the conversation might not
25 be hearsay, I wouldn't know so I'll overrule your

1 objection.

2 BY MR. OWEN:

3 Q You got a call?

4 A I did.

5 Q Do you recall when that was?

6 A It was between ten and ten thirty.

7 Q Is that call ordinarily recorded at the Highway
8 Patrol?

9 A It is.

10 Q And have you looked at the official records of
11 the highway patrol, can you identify that call
12 on the records?

13 A I can.

14 Q Now what time was that call?

15 BY MR. ALFORD:

16 We would like to interpose an objection if Your
17 Honor please. He's asking this witness to testify
18 from records that have not been introduced, what
19 he testifies on his independent knowledge is one
20 thing and what he testifies from something that
21 hasn't been introduced is something else.th

22 BY MR. HAUBERG:

23 He has testified and if the Court please I think he
24 has a right to refresh his memory on it.

25 BY THE COURT:

1 I think he has too, I agree with Counsel's
2 reasoning but I don't agree with his application
3 of the principal so I'll overrule your objection
4 at this point.

5 BY MR. ALFORD:

6 He asked him from the book.

7 BY THE COURT:

8 He asked him if he knew and I'll let him answer as
9 to that and if he needs to refresh his recollection
10 by examining the book and can testify from his own
11 knowledge after having refreshed his recollection
12 and without relying solely and completely on the
13 record for the information I'll let him do so.

14 BY MR. OWEN:

15 Q Can you say from your own knowledge, what time
16 this radio traffic was?

17 A About 10:25.

18 Q Now where were you at the time of this radio
19 traffic if you recall?

20 A Pilgrim's Store, just leaving going back north.

21 Q Have you had any conversation with any of these
22 defendants with respect to whether or not they
23 saw you out there that night?

24 A We've talked, they live at Philadelphia and
25 around.

1 Q Which defendants have you had a conversation with?

2 A Well, several of them.

3 Q Do you know Richard Willis?

4 A I do.

5 Q Would you point him out for the Court.

6 A He's number five from the left.

7 Q Now, did he ever indicate to you whether or not
8 he saw you that night on 19?

9 A Yes.

10 Q When was that?

11 BY MR. WATKINS:

12 Now Your Honor we object as to Herndon, Arledge,
13 Horace Barnett, Snowden and Roberts in that they have
14 not shown to be present and there has been no showing
15 of conspiracy at this point.

16 BY MR. PIGFORD:

17 We join in that, Your Honor for Akins.

18 BY THE COURT:

19 Well I don't know that seeing somebody out there is
20 so heinous, I'm going to let him answer, I don't see
21 that proves or disproves a conspiracy. Go along.

22 BY MR. OWEN:

23 Q What did he say?

24 A He's a policeman up there and we might meet in
25 the road two or three times a night or more.

- 1 Q What did he say?
- 2 A Well he said he saw us. After we got the call
- 3 he heard the call, so he said, on his radio.
- 4 Q Where did he indicate that he was?
- 5 A He was around the hospital and H & H Cafe, in
- 6 that vicinity.
- 7 Q And where is that located?
- 8 A Its just south of Philadelphia on Highway 19.
- 9 Q And about how far from Pilgrim's Store?
- 10 A Its about three quarters of a mile.
- 11 Q When you were at Main and Beacon Street, did Price
- 12 give any of these people he arrested a ticket?
- 13 A I didn't see one.
- 14 Q And did you accompany him to the jail?
- 15 A I did.
- 16 Q Did you accompany him into the jail?
- 17 A Into the hall.
- 18 Q Did you see the jailer there?
- 19 A I did.
- 20 Q And during the time you were there with him did
- 21 you see him give or write a ticket?
- 22 A I did not.
- 23 Q You are seated there and if you will look up at
- 24 exhibit 9, where were you parked that afternoon?
- 25 A Right where it says Ocoba right between those

1 right between those two roads there to the west.

2 Q You are pointing, Your Honor, may he place a
3 marker where he was?

4 BY THE COURT:

5 Yes sir. Ask him your question and then he can go
6 there and place his marker. Ask him for the record.

7 BY MR. OWEN:

8 Q Would you point out on exhibit 9 where you were
9 marked at Philadelphia on Highway 19 on the after-
10 noon of June 21st, 1964?

11 A I can. About where I was.

12 BY THE COURT:

13 Do you understand that map that is marked exhibit 9?

14 BY MR. POE:

15 I do.

16 BY MR. OWEN:

17 Q If you would indicate someplace on that map with
18 a marker something to indicate highway patrol car.
19 For the record---

20 BY THE COURT:

21 For the record let him state where he put that marker.

22 BY THE WITNESS:

23 A Its approximately four miles east of Philadelphia
24 four to four and one half mile.

25 BY THE COURT:

1 I notice you put it on the north side of that highway
2 is that right?

3 BY THE WITNESS:

4 Well, yes, but we were parked, the highway runs
5 east and west there and we were parked on the south
6 side.

7 BY THE COURT:

8 You put the marker on the north side, do you want to
9 put it where you were parked?

10 BY THE WITNESS:

11 I thought he meant the location.

12 (Witness changes marker)

13 BY MR. OWEN:

14 Q What is the road just east of that marker?

15 A That's the American Legion Lake Road.

16 Q About how far is that from where you were parked?

17 A About a half mile.

18 Q I believe that's all.

19 BY THE COURT:

20 All right, any cross examination?

21 CROSS EXAMINATION

22 BY MR. WATKINS:

23 Q Mr. Poe, did ¹ understand your testimony that
24 part of the time you were in the presence of Mr.
25 Cecil Price at the time he was in the presence of

1 those persons you have named?

2 A. Right.

3 Q. Tell the Court and Jury whether at any time you
4 were in their presence that you saw Mr. Price or
5 any other person in your presence threaten,
6 intimidate or make or mistreat in any way those
7 three persons that you named?

8 A. I did not.

9 Q. Tell the Court and Jury whether or not Mr. Billy
10 Wayne Posey to whom you referred is a resident
11 citizen of Lauderdale County, Mississippi, excuse
12 me, of Neshoba County, Mississippi?

13 A. He is.

14 Q. Was anything unusual about you seeing him in that
15 county that day?

16 A. It was not.

17 Q. Was it anything unusual for Mr. Willis another
18 office of the law inquiring about the whereabouts
19 or welfare of some other officer that day?

20 A. It was not.

21 Q. You are not telling this jury anyway are you that
22 the parties named did not commit some misde~~mean~~or
23 in the presence of Mr. Price?

24 A. I didn't see a ticket.

25 Q. But you are not telling the jury that they might

1 not have committed an offense in his presence
2 out of your presence?

3 A. Right.

4 Q. Thank you.

5 FURTHER CROSS EXAMINATION

6 BY MR. ALFORD:

7 Q. Mr. Poe, how long have you been a member of the
8 Mississippi Highway Patrol?

9 A. It will be ten years the first day of November,
10 of '67.

11 Q. And you have been located in Philadelphia practi-
12 cally all that time?

13 A. All of it.

14 Q. Now sir, on the 21st day of June, 1964, you
15 testified here on direct examination, you were
16 out there about 4 1/2 miles from Philadelphia
17 observing traffic were you not?

18 A. Right.

19 Q. That was part of your routine duty to see this
20 done?

21 A. It is.

22 Q. And Mr. Price had passed you going east?

23 A. Right.

24 Q. And if he passed you going toward the east isn't
25 that also in the general direction in addition

1 to going toward highway 16 and the crossroads, isn't that
2 the direction that a person would have to go to
3 go to the American Legion Lake?

4 A. It would be.

5 Q. Is not the road from Philadelphia out to the
6 American Legion Lake a heavily travelled road
7 on Sunday afternoon?

8 A. It is.

9 Q. Especially on a father's day Sunday afternoon?

10 A. It would.

11 Q. Is not part of the responsibility as you know
12 of the Sheriff or a peace officer Deputy Sheriff
13 to patrol roads off the State Highway?

14 A. That's their job.

15 Q. And including State Highway too?

16 A. Right.

17 Q. And they do have jurisdiction on a State Highway
18 for violation of traffic?

19 A. Yes sir.

20 Q. Now, about what time did you say you heard the
21 radio call from Mr. Price to your unit there?

22 A. Somewhere after 3:00 o'clock.

23 Q. And that was when he said he had a good one, is
24 that right?

25 A. Yes sir.

- 1 Q Isn't that a common expression by highway patrol
2 and other persons observing traffic to use?
- 3 A Sometimes.
- 4 Q What does that signify to you highway patrolman
5 and people who regulate the traffic laws?
- 6 A Well it could mean several different things.
- 7 Q Isn't it that someone is going down the highway
8 at a high rate of speed?
- 9 A High rate of speed, drunk driver or something of
10 that nature.
- 11 Q But most of the time its somebody going past
12 the speed limit?
- 13 A Yes sir.
- 14 Q And that's what you took it to be that day wasn't
15 it?
- 16 A That's right.
- 17 Q Then shortly after that you saw this vehicle
18 as you described as a blue station wagon come
19 over this hill and shut off didn't you?
- 20 A Right.
- 21 Q And then shortly behind it you saw Mr. Price
22 coming?
- 23 A I did.
- 24 Q Did you notice that he had any equipment on his
25 car, extra equipment on his police car?

- 1 A. As far as I know he didn't.
- 2 Q. He didn't have a light on top of his car?
- 3 A. Not that I remember.
- 4 Q. Later on, what did you receive from Mr. Price?
- 5 A. He called us to come up and assist him.
- 6 Q. Now, when he called for you to come up and assist
- 7 him did you come?
- 8 A. Yes sir.
- 9 Q. And when you got there you found this blue station
- 10 wagon?
- 11 A. Right.
- 12 Q. And you found also that there were three people
- 13 with Mr. Price?
- 14 A. Right.
- 15 Q. And what was the condition of the car?
- 16 A. They had a flat.
- 17 Q. Where did they have this flat?
- 18 A. Right at the intersection of Beacon and Main
- 19 Street.
- 20 Q. Is that any built up area, residential area?
- 21 A. Yes, its residential.
- 22 Q. Prominent part of town isn't it Mr. Poe.
- 23 A. The houses are thick.
- 24 Q. Thickly settled.
- 25 Q. Was there any motion of manifestation of any

1 difficulty there?

2 A. I didn't see anything out of the way except a
3 lot of traffic.

4 Q. Lot of traffic passing. And who was changing a
5 tire or what were they doing?

6 A. These three people were changing it.

7 Q. Was one of them holding the brake and the other
8 two changing it or anything like that?

9 A. Yes, it fell off the jack one time.

10 Q. Well, what did they do then?

11 A. One of them held the brake while they got it
12 jacked up that time.

13 Q. One of them held the brake. Who held the brake/

14 A. I don't remember.

15 Q. You don't remember which one did. Uh, was there
16 any abusive language used there against anybody
17 there that you heard?

18 A. It was not.

19 Q. Was it a peaceful situation there?

20 A. Just like any other arrest.

21 Q. And did Mr. Price tell you that he had Mr. Chaney
22 there for speeding?

23 A. He did.

24 Q. And was he the one that requested you and Mr.

25 Wiggs in carrying them to the Neshoba County Jail?

- 1 A. Right.
- 2 Q. And I believe you testified that two of them
- 3 rode with you?
- 4 A. The two white men.
- 5 Q. And one rode with Mr. Wiggs in the station wagon?
- 6 A. Right.
- 7 Q. Mr. Wiggs was your partner?
- 8 A. Right.
- 9 Q. And when you got there they were placed in jail
- 10 were they not?
- 11 A. They were.
- 12 Q. Do they or not have a jail docket there to make
- 13 an entry of what they are charged with whenever
- 14 they are placed in jail?
- 15 A. They do.
- 16 Q. Was or not these people booked in the jail in
- 17 your presence?
- 18 A. Not in my presence.
- 19 Q. Not in your presence. Did you see the tickets
- 20 there charging Chaney with speeding?
- 21 A. I did not. I turned around and left when they
- 22 were going down the hall.
- 23 Q. But that is normal to make out a ticket, uh, Mr.
- 24 Marshal, will you hand me exhibit of the ticket
- 25 book there.